

Notice of Allowability

Application No.

10/653,350

Examiner

Jegatheesan Seharaseyon, Ph.D

Applicant(s)

LEE ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/18/2007.
2. ☒ The allowed claim(s) is/are 11-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud

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DETAILED ACTION

1. This office action is in response to the amendment filed on 5/18/07. Claims 1, 2 and 6-9 have been cancelled. Claims 3-5 and 10 are withdrawn from further consideration. Claims 11-15 have been newly added. Thus, claims 11-15 are examined.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rochelle K. Seide on 7/25/07.

3. The application has been amended as follows:

In the Claims

4. Please cancel claims 3, 4 and 10. Please amend claims 11-14

11. (Amended) A recombinant human interferon alpha isoform comprising the amino acid sequence of SEQ ID NO: 1 that has been modified such that His at position 34 has been replaced by Asn and Phe at position 36 has been replaced by Ser.

12. (Amended) A recombinant human interferon alpha isoform comprising the amino acid sequence of SEQ ID NO: 1 that has been modified such that His at position 34 has been replaced by Asn, Phe at position 36 has been replaced by Ser and Leu at position 26 has been replaced by Asn.

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13. (Amended) A recombinant human interferon alpha isoform comprising the amino acid sequence of SEQ ID NO: 1 that has been modified such that His at position 34 has been replaced by Asn, Phe at position 36 has been replaced by Ser and Lys at position 134 has been replaced by Asn.

14 (amended) A recombinant human interferon alpha isoform having the sequence of SEQ ID NO: 1 that has been modified such that His at position 34 has been replaced by Asn, Phe 36 at position has been replaced by Ser, Leu at position 26 has been replaced by Asn and Lys at position 134 has been replaced by Asn.

5. Claims 11-15 are allowed.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jegatheesan Seharaseyon, Ph.D whose telephone number is 571-272-0892. The examiner can normally be reached on M-F: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, Ph. D can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

Art Unit 1647,
August 3rd, 2007.

**CHRISTINE J. SAOUD
PRIMARY EXAMINER**

Christine J. Saoud